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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,499	12/14/2000	Steve Nixon	3650-006US	5769
33000	7590	11/16/2007	EXAMINER PILLAI, NAMITHA	
DOCKET CLERK P.O. DRAWER 800889 DALLAS, TX 75380			ART UNIT 2173	PAPER NUMBER
			MAIL DATE 11/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/735,499

Applicant(s)

NIXON ET AL.

Examiner

Namitha Pillai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Appeal

1. The Board of Patent Appeals has sustained the rejection of claims 1-3 and 7-20. The rejection of claims 4-6 has been reversed. In view of the prior arts previously disclosed, claims 4-6 have been rejected over new grounds of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 7, 8, 12-20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6,396,513 B1 (Helfman et al.), herein referred to as Helfman.

Referring to claims 1 and 14, Helfman discloses a messaging system having the means for message notification using a computer system (column 1, lines 5-7). Helfman discloses memory means for storing message status information for messages in the messaging system (column 1, lines 10-15). Helfman discloses a means for determining from the stored message status information which messages in the messaging system are new and for which notification has not been cleared (column 1, lines 11-17), wherein merely checking for the presence of new email discloses the means for determining the clear status of an email. Helfman discloses a user interface

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for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 2, Helfman discloses selecting a functionality associated with a plurality of options presented to the user (column 3, lines 12-16).

Referring to claims 7 and 8, Helfman discloses that the manipulation consists of clearing all notifications in the list (column 4, lines 17-21).

Referring to claim 12, Helfman discloses an integrated message notification means may be launched from within a messaging application associated with the messaging system (column 1, lines 66-67 and column 2, lines 1-5).

Referring to claim 13, Helfman discloses that the integrated message notification means is designated as a particular view within a messaging application associated with the messaging system (column 4, lines 12-15).

Referring to claims 15 and 17, Helfman discloses a message notification means for use with one or more messaging systems (column 1, lines 5-7). Helfman also discloses polling means for polling one or more of the messaging systems for new messages (column 1, lines 10-17). Helfman discloses memory means for storing message status information for messages in one or more messaging systems (column

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1, lines 10-15). Helfman discloses a variable for each message used for determining whether the notification has been cleared, wherein the variable check is made for whether the email has been previously accessed by the user (column 1, lines 15-17). Helfman discloses a user interface for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 16, Helfman discloses a variable that comprises information relating to date, time and sequence of each message (column 1, lines 19-23).

Referring to claim 18, Helfman discloses a message notification means for use with one or more messaging systems (column 1, lines 5-7). Helfman discloses receiving means for receiving indications from one or more messaging systems regarding the presence of new messages (column 1, lines 10-14). Helfman discloses memory means for storing message status information for messages in the messaging system (column 1, lines 10-15). Helfman discloses a means for determining from the stored message status information which messages in the messaging system are new and for which notification has not been cleared (column 1, lines 11-17), wherein merely checking for the presence of new email discloses the means for determining the clear status of an email. Helfman discloses a user interface for providing to a user a list of message

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notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 19, Helfman discloses providing message notifications to a user by having access to one or more messaging systems (column 1, lines 5-7). Helfman discloses providing a message notification means for use with one or more messaging systems (column 1, lines 10-16). Helfman discloses receiving means for receiving indications from one or more messaging systems regarding the presence of new messages (column 1, lines 10-14). Helfman discloses memory means for storing message status information for messages in the messaging system (column 1, lines 10-15). Helfman discloses a means for determining from the stored message status information which messages in the messaging system are new and for which notification has not been cleared (column 1, lines 11-17), wherein merely checking for the presence of new email discloses the means for determining the clear status of an email. Helfman discloses a user interface for providing to a user a list of message notifications associated only with those messages determined to be new messages for which a notification has not been cleared (column 5, lines 32-37), wherein Helfman refers to unread and new messages and in addition to total messages present, wherein these total messages are nonetheless associated with these new messages. Helfman

also discloses that the user is permitted to select a particular notification from the list for manipulation (column 1, lines 23-25).

Referring to claim 20, Helfman discloses means for enabling user to select which types of messages are to be included in the notification list (column 3, lines 10-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-6, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman and U. S. Patent No. 5,943,055 (Sylvan), herein referred to as Sylvan.

Referring to claim 3, Helfman does not disclose that the plurality of options is presented through a plurality of buttons. Sylvan discloses selecting a functionality associated with a plurality of options presented to the user, wherein these options are presented visually by a plurality of buttons (reference numbers 214, 216, 218, 220 and 222, Figure 2 and column 6, lines 65-67). It would have been obvious for one skilled in the art, at the time of the invention to learn from Sylvan to represent the input options through buttons. Sets of options are displayed to the users of Helfman and Sylvan's inventions, wherein Sylvan goes further by implementing buttons to represent these options. Use of buttons to represent input options are quiet common and hence would be an obvious teaching to learn from Sylvan to implement the input of options, wherein additionally these buttons would make these options stand out more to the user.

Referring to claim 4, Helfman does not disclose a unified messaging system. Sylvan discloses a unified messaging system where the system disclosed manages multiple types of messages including voice, facsimile and electronic mail (Figure 1 and column 4, lines 53-57). It would have been obvious to one skilled in the art at the time of the invention to learn from Sylvan to implement a unified messaging system. One system, which provides to the user multiple types of message data, is an obvious advantage that a person of ordinary skill has good reason to pursue. Learning from Sylvan that one system with one user interface can provide the user access to multiple and varying types of message data is advantageous for accessing various types of data and is an obvious teaching that is within the technical grasp of one skilled in the art at the time of the invention. Therefore, it would have been obvious to one skilled in the art at the time of the invention to learn from Sylvan to implement a unified messaging system.

Referring to claim 5, Helfman and Sylvan disclose a filtering means for enabling the user to select which types of messages are to be included in the list (Sylvan, column 4, lines 53-57), where in response to user selection of a distinct icon a list including different types of messages are included and displayed as a list.

Referring to claim 6, Helfman and Sylvan disclose a graphical user interface with different icons that are displayed beside different types of messages in the list (Sylvan, Figure 2 and column 6, lines 59-62).

Referring to claim 9, Helfman discloses functionality that is selected from the group of clear item and clear all (Figure 3A). Helfman does not disclose an option of

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print and opening a message application that is displayed. Sylvan discloses selecting from the options of print (reference number 520, Figure 5). Sylvan also discloses also allowing the user to select opening a message application by choosing from the applications displayed in the user interface as shown by the cursor on Figure 2. This depicts a means for the user to open and open a messaging application. It would have been obvious for one skilled in the art, at the time of the invention to learn from Sylvan to implement the print and open message options. The options disclosed in Sylvan involving printing and opening an application are common options that are widely used in email applications especially those of Helfman and Sylvan. Sylvan has gone further in teaching the print and open options and wherein it would have been obvious to learn from Sylvan and thereby apply these options by one skilled in the art at the time of the invention.

Referring to claim 10, Helfman discloses launching a messaging application associated with the messaging system (column 1, lines 5-10).

Referring to claim 11, Helfman does not disclose replying to the sender of the selected message notification without retrieving the message itself. Sylvan discloses in the explanation for the "Respond Voice" button of Figure 2, how the user replies to the sender of the selected message notification without retrieving the actual message itself but by only relying on selecting the message from the list displayed to respond to the voice mail (column 6, line 67 and column 7, lines 1-2). It would have been obvious for one skilled in the art at the time of the invention to learn from Sylvan to reply to the sender of the selected message notification without retrieving the message itself.

Helfman has both a phone system and email system that allows for the user to respond back to the sender wherein Helfman goes further in discussion of the downloading of messages that are only necessary at a certain point, thereby showing motivation for interacting with the email system without having to retrieve the actual message. Hence, one skilled in the art at the time of the invention would have been motivated to learn from Sylvan to implement a means for replying to the sender of the selected message notification without retrieving the message itself.

Conclusion

4. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

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possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Patent Examiner
Art Unit 2173
November 10, 2007

A handwritten signature in black ink, appearing to read "Wendy Garber". The signature is fluid and cursive, with the first name "Wendy" and last name "Garber" clearly distinguishable.

WENDY GARBER, DIRECTOR
TECHNOLOGY CENTER 2100